#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re Application of:

John BORDER et al.

Application No.:

09/662,072

Examiner:

El Chanti, H.

Filed

For:

September 14, 2000

Group Art Unit: 2157

Attorney Docket No.: 10792 1148 Client Docket No.:

PD-200053

PERFORMANCE ENHANCING PROXY AND METHOD FOR ENHANCING

PERFORMANCE

Mail Stop Petitions

Alexandria, VA 22313-1450

### RENEWED PETITION UNDER 37 CFR \$1.181(A) TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Dear Sir:

### The Office of Petitions Senior Attorney handling this matter is Paul Shanoski.

In an Office communication dated April 9, 2007, the above-identified application was indicated as being abandoned for failure to timely respond to an Office Action dated June 22, 2005, setting forth a restriction requirement. Furthermore, the Petition to withdraw the holding of abandonment filed on July 30, 2007, was dismissed for the reasons set forth in the Decision on Petition dated December 10, 2007. Applicants hereby renew the request to withdrawal of the holding of abandonment of the present application based on the failure to receive the Office Action dated June 22, 2005, during the period for reply, as provided for in MPEP §711.03(c)l.A.

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The Decision on Petition notes that at the time the Office Action dated June 22, 2005 was mailed the address of record was The DirecTV Group Inc., Patent Docket Administration, CA / LA1 / A109, P.O. Box 956, El Segundo, CA 90245-0956. The Decision on Petition also notes that the Petition filed on July 30, 2007 was submitted by Mr. Ditthavong, with an address of 918 Prince Street, Alexandria, VA 22314. The Decision on Petition then concludes Mr. Ditthavong did not receive the relevant communication because it was not mailed to him, but rather to California address of record for The DirecTV Group noted above.

As was established in the Petition filed on July 30, 2007, Applicants' representative, Mr. Ditthavong, did not receive the Office Action dated June 22, 2005 during the period for reply. Furthermore, the Applicants assert that the Office Action dated June 22, 2005 was not received by Applicants, or any of Applicants' representatives (including The DirecTV Group at the above address of record), during the period for reply.

Applicants, therefore, respectfully renew the petition the Office to withdraw the holding of abandonment based on the fact that the Office Action dated June 22, 2005 was not received at the correspondence address of record (The DirecTV Group Inc., Patent Docket Administration, CA / LA1 / A109, P.O. Box 956, El Segundo, CA 90245-0956). Applicants accordingly were not made aware of the Office Action dated June 22, 2005 until a Notice of Abandonment dated April 9, 2007 was received at the address of record.

The undersigned hereby attests that the Office Action dated June 22, 2005 was not received during the period of reply thereto, and attests to the fact that a search of the file jacket and docket records of Applicants and Applicants' representatives (including the records of The DirecTV Group) indicates that the Office Action dated June 22, 2005 was not received at the correspondence address of record during the period of reply. The Office Action was not received or made aware to Applicants until the receipt of the Notice of Abandonment dated April

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9, 2007. The attached Appendix A is a copy of a portion of the docket record where the nonreceived Office Action would have been docketed had it been received, thus providing evidence of the nonreceipt of the Office Action dated June 22, 2005. Specifically, the nonreceived Office Action set a one month period for reply, giving rise to a reply due date of July 22, 2005. Furthermore, in accordance with MPEP §711.03(c)I.A, the docket report of The DirecTV Group provided in Appendix A specifies all replies docketed from July 21, 2005 through July 25, 2005, as documentary proof of nonreceipt of the Office Action. As is evident from a review of the docket record provided in Appendix A, due to the nonreceipt of the Office Action dated June 22, 2005, no reply due date was docketed on July 22, 2005 for the present application.

In light of the above showing, it is respectfully requested that the Holding of Abandonment be rescinded and the application returned to pending status. Furthermore, it is requested that the Office Action dated June 22, 2005, be remailed and a new period for response be set.

Respectfully Submitted,

4-Jan-2008

Craig L. Plastrik Attorney for Applicant(s)

Reg. No. 41,254

Patent Docketing Administration

P.O. Box 956 Bldg. 1, Mail Stop A109 El Segundo, CA 90245-0956

### APPENDIX A

## Patent Administration and Tracking System ACTION SEARCH REPORT (As of 07/20/2007)

					ACTION SEARCH REPORT (As of 07/20/2007 )				Page 1		
PD NO	CNTRY	ATTNY	RESP	INCOM	NG ACTION	REQUIE	REQUIRED ACTION		ING ACTION		
089418A	US	VDD	081000	OA	06/28/05	AMD	09/28/05	AMF	09/21/05		
094164	US	VDD	3012	MR	06/29/05	8YM		STR	07/25/05		
096103	US	**T	HPL1	8MR	06/23/05	NR		NAP			
200018	US	GSG	DT4800	NAL.	06/29/05	ISS	09/29/05	RCE	09/12/05		
200018	US	GSG	DT4800	ALL	06/29/05	NON		IDS	09/12/05		
200027	US	MWS	081000	CRD	06/21/05	SLA	10/13/05	NR	08/05/05		
200031	US	VDD	081030	FRJ	06/29/05	FAM	09/29/05	FR2	08/04/05		
200043	US	GSG	DT4830	CRD	06/27/05	SCO	08/17/05	NR	07/14/05		
200049	US	VDD	081000	RBN	06/24/05	NR		NAP			
200067	US	VDD	081030	IRC	06/29/05	4YM	01/19/09				
200083	US	VDD	091200	OA	06/30/05	AMD	09/30/05	AMF	09/26/05		
200108	US	VDD	081030	CRD	06/21/05	SCO	12/07/05	NR	09/19/05		
200157	US	MWS	GL0000	IRC	06/22/05	4YM	01/12/09				
200176	US	GSG	DT4830	CRD	06/29/05	SCO	07/17/05	SID	07/28/05		
200181 200183	US	GSG	DT2148	CRD	06/29/05	SCO	09/15/05	NR	08/11/05		
200183	US US	GSG JTW	DT4830 4N0202	CRD NAL	06/27/05 06/29/05	SCO	10/23/05 09/29/05	NR	07/14/05		
200213	US	JTW	4N0202	ALL	06/29/05	PFD	09/29/05	ISS PFP	07/14/05 07/14/05		
200216	US	GSG	DT4300	EC	06/23/05	EXA	06/23/05	EXA	06/23/05		
200246	US	GSG	DT4300	EC	06/23/05	3NA	09/23/05	NR.	06/30/05		
200246	US	GSG	DT4300	NAL	06/30/05	ISS	09/30/05	ISS	09/12/05		
200246	US	GSG	DT4300	ALL	06/30/05	NR	09/30/03	NAP	09/12/05		
200291	US	GSG	DT2148	CRD	06/29/05	sco	09/15/05	IDS	10/11/05		
200343	US	JTW	4N0202	CRD	06/27/05	SCO	10/16/05	NR	07/11/05		
200355	US	JTW	4N0202	NAB	06/30/05	NR	10/10/00	NAP	07/11/05		
201005A	US	VDD	081030	CRD	06/23/05	SCO	12/14/05	NR	07/06/05		
201065	US	JTW	4N0202	OA	06/30/05	AMD	09/30/05	AMD	09/28/05		
201104	US	JTW	4N0202	OA	06/21/05	AMD	09/21/05	AMD	09/22/05		
201115	US	VDD	DBDT	OA	06/29/05	AMD	09/29/05	AMF	09/21/05		
201117	US	VDD	DBDT	FRJ	06/23/05	FAM	09/23/05	RCE	08/19/05		
201148	US	GSG	DT4820	CRD	06/29/05	NR		NAP			
201151	US	GSG	DT4820	CRD	06/27/05	NR		NAP			
201191	US	JTW	4N0202	FRJ	06/30/05	FAM	09/30/05	FAM	09/08/05		
202045	US	GSG	DT4830	EMR	06/20/05	SCO	07/15/06	NR	06/21/05		
202045	US	GSG	DT4830	FRC	06/21/05	SCA	12/08/05	NR	07/27/05		
202076 202101	US US	JTW	4N0202	NOP	06/30/05	sco	11/05/05	NR	07/29/05		
		JTW	4N0202	OA	06/28/05	AMD	09/28/05	AMF	09/26/05		
202150 203014	US	GSG GSG	DT4820 DT4810	NOP CRD	06/20/05	SCO	12/20/05	IDS	10/11/05		
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203054	US	JTW	4N0202	ESR	06/20/05	IDS		IDS	07/11/05 06/28/05		
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204013	US	GSG	DT4821	FRC	06/20/05	NR		NAP			
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204057	US	GSG	DT4810	FRC	06/28/05	NR	00101100	iDS	07/11/05		
204058	US	GSG	DT4810	CRD	06/29/05	SCA	08/01/05	NR	08/25/05		
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204059	US	GSG	DT4810	FRC	06/28/05	NR		IDS	07/11/05		
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204062	US	GSG	DT4810	FRC	06/27/05	NR		IDS	07/11/05		
204063	US	GSG	DT4810	CRD	06/29/05	SCO	06/01/06	NR	06/28/05		
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970176A	US	VDD	4HR000	4MR	06/23/05	NR		NAP			
980083	US	JAC	DT4300	4MR	06/23/05	NR		NAP			
980158 980261	US US	JTW TG	4N0202	NAB	06/29/05	NR		NAP	0.000000		
980261	US	TG	96T000 TA0200	4MR 4MR	06/23/05 06/23/05	NR ND		STB	06/23/05		
990119	US	JTW	4N0200	NAL	06/24/05	NR	09/26/05	STB	06/23/05		
990184	US	JTW	4N0202 4N0202	ALL.	08/24/05	ISS	U9/∠6/U5	ISS	09/26/05		
990189	US	STB	DT2020	NAB	06/27/05	NR NR		NAP NAP			
990213	US	VDD	874HR0	OA	06/24/05	AMD	09/24/05	AMF	09/26/05		
990219	US	STB	DT2020	NAB	06/30/05	NR NR	03/24/00	NAP	03/20/03		
990238A	US	JTW	4N0202	NAL	06/28/05	ISS	09/28/05	ISS	09/22/05		
990238A	US	JTW	4N0202	ALL	06/28/05	PFD	09/28/05	PFP	09/22/05		
990309	us	VDD	091200	CRD	06/23/05	SLA	10/13/05	NR	09/21/05		

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PD NO	CNTRY	ATTNY	RESP	INCOMING ACTION		REQUIRED ACTION		OUTGOING ACTION	
N96045D	US	JTW	4N02	NON		SRI	09/20/05	NR	07/27/05
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201104	US	JTW	4N0202	OA	06/21/05	AMD	09/21/05	AMD	09/22/05
090191C	US	VDD	3012	8MR	12/19/01	12M	09/22/05	12M	09/22/05
091519	ÜS	VDD	3023	8MR	12/19/01	12M	09/22/05	12M	09/22/05
204015	US	JTW	4N0202	FRC	04/19/05	SCA	09/22/05	NR	08/16/05
201020	US	JTW	4N0202	CRD	03/29/05	SCO	09/22/05	NR	06/17/05
204018	US	JTW	4N0202	FRC	04/19/05	SCA	09/22/05	NON	06/1//05
204047	US	JTW	4N0202	FRC	04/19/05	SCA	09/22/05	NR	08/16/05
204041	US	JTW	4N0202	FRC	04/19/05	SCA	09/22/05	NON	00/10/05
201117	US	VDD	DBDT	FRJ	06/23/05	FAM	09/23/05	RCE	08/19/05
201117	US	VDD	DBDT	NON	00/23/03	NAN	09/23/05	FR2	
201124	US	VDD	DBDT	NON		SCO	09/23/05		08/19/05
200246	US	GSG	DT4300	EC	06/23/05	3NA	09/23/05	NR	08/12/05
201119	US	MWS	DBDT	NON	00/23/03	SCO	09/23/05	NR	06/30/05
990066	US	JAC	DT4300	NON		SCO	09/23/05	NR	07/20/05
990213	US	VDD	874HR0	OA	06/24/05	AMD	09/24/05	NR	08/10/05
980202	US	VDD	091200	CRD	05/31/05			AMF	09/26/05
980014	US	JTW	4N0202	IRC	03/25/02	SCO	09/24/05	NR	08/09/05
980014	US	JTW	4N0202 4N0202	CPL	03/25/02 02/27/03	4YM	09/26/05	4YM	09/26/05
990184	US	JTW	4N0202 4N0202	NAL		4YM	09/26/05	4YM	09/26/05
202101	US	JTW			06/24/05	iss	09/26/05	ISS	09/26/05
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091436	US	VDD	3027	8MR	12/19/01	12M	09/29/05	12M	09/29/05
092505	US	VDD	3023	8MR	12/19/01	12M	09/29/05	12M	09/29/05
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200031	US	VDD	081030	FRJ	06/29/05	FAM	09/29/05	FR2	08/04/05
200031	US	VDD	081030	AVA	10/18/05	NOA	09/29/05	NOA	10/27/05
200018	US	GSG	DT4800	NAL	06/29/05	ISS	09/29/05	RCE	09/12/05
094285	US	VDD	3012	4MR	12/19/01	8YM	09/30/05	8YM	09/30/05
N94003A	US	JTW	HN42	4MR	12/19/01	8YM	09/30/05	8YM	09/30/05
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201065	US	JTW	4N0202	OA	06/30/05	AMD	09/30/05	AMD	09/28/05
200246	US	GSG	DT4300	NAL	06/30/05	ISS	09/30/05	ISS	09/12/05
200083	US	VDD	091200	OA	06/30/05	AMD	09/30/05	AMF	09/26/05
201118	US	VDD	DBDT	NON		SCO	09/30/05	NR	06/08/05

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					ION SEARCH As of 07/20/2	Page 1			
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091436	US	VDD	3027	8MR	12/19/01	12M	09/22/05	12M	09/22/05
091519	US	VDD	3027	8MR	12/19/01	12M	09/29/05	12M	09/29/05
092505	US	VDD	3023		12/19/01	12M	09/22/05	12M	09/22/05
094285	US	VDD	3023	8MR 4MR	12/19/01	12M	09/29/05	12M	09/29/05
200009	US	VDD	081000	FRJ	12/19/01 08/19/05	8YM FAM	09/30/05	8YM	09/30/05
200009	US	VDD	081000	NON	00/19/00	NOA	11/19/05	NOA	09/26/05
200009 200049A	US	VDD	081000	NON		SCO	11/19/05	RF	09/26/05
200049A	US	VDD	081000	EC	09/22/05	APP	12/13/05	NR	09/22/05
200049A	US	VDD	081000	NON	09/22/05	NON		APP RF	09/22/05
200049A	US	VDD	081000	EIS	09/19/05	SIS	10/19/05	SIS	09/22/05
200049A	US	VDD	081000	NON	03/13/03	NON	10/19/03	RF	09/26/05
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200070	US	JYW	4N0202	ALL	09/02/05	PED	12/02/05	PFP	09/28/05
200083	US	VDD	091200	OA	06/30/05	AMD	09/30/05	AMF	09/26/05
200125	US	GSG	DT4830	NON		APB	10/26/05	NR	09/20/05
200144	US	STB	DT2020	RA	07/26/01	SCO	06/17/02	NR	09/30/05
200153A	US	MWS	GL0000	NON		APB	08/01/05	ABX	09/20/05
200153A	US	MWS	GL0000	NON		NON		RF	09/20/05
200153A	US	MWS	GL0000	NON		NON		IDS	09/23/05
200153A	US	MWS	GL0000	NON		NON		RF	09/23/05
200154B	US	MWS	GL0000	NON		NON		IDS	09/23/05
200154B	US	MWS	GL0000	NON		NON		RF	09/23/05
200176	US	GSG	DT4830	CRD	08/08/05	SCO	12/28/05	NR	09/20/05
200176	US	GSG	DT4830	RR	09/20/05	RTR	10/20/05	RTR	09/29/05
200176	US	GSG	DT4830	NON		NON		RF	09/29/05
200178	US	GSG	DT4300	OA	07/01/05	AMD	10/01/05	AMF	09/26/05
200183 200187A	US	GSG	DT4830	NON		sco	10/23/05	NR	09/26/05
200187A	US	MWS	GLA	NON		sco	07/16/05	IDS	09/23/05
200187A 200277	US	VDD	GLA 081030	EC	00/40/05	NON	40140101	RF	09/23/05
200288	US	GSG	DT5110	NON	09/12/05	SCO SCO	12/12/05	NR	09/22/05
200297	US	STB	DT2020	RA	07/18/01	SCO	01/13/06 06/18/02	NR	09/30/05
200298	US	STB	DT2020	SL	09/10/03	SCO	12/10/04	NR NR	09/27/05
200322	US	JTW	4N0202	NON	03/10/03	IRC	01/25/06	NR	09/27/05 09/21/05
200344	US	JTW	4N0202	NAL	07/01/05	ISS	10/03/05	ISS	09/23/05
200344	US	JTW	4N0202	ALL	07/01/05	PFD	10/03/05	PEP	09/23/05
200344A	US	JTW	4N0202	NON		NON		MLD	09/21/05
200344A	US	JTW	4N0202	NON		NON		DM	09/21/05
200344A	US	JTW	4N0202	NON		NON		FD	09/21/05
200344A	US	JTW	4N0202	NON		NON		IDS	09/21/05
200344A	US	JTW	4N0202	NON		NON		PAM	09/21/05
201005A	US	VDD	081030	EC	09/21/05	AMO		AMF	09/21/05
201008A	US	VDD	081020	FRJ	07/22/05	FAM	10/22/05	NOA	09/20/05
201014	US	GSG	DT2148	EMR	05/03/05	SCF	07/25/05	NR	09/27/05
201015A	US	VDD	081030	OA	08/24/05	AMD	11/24/05	AMF	09/27/05
201015A 201017	US US	VDD MWS	081030	NON	40/05/00	NON		IDS	09/28/05
201017	US	JTW	GL0000 4N0202	SL AVA	10/25/02	SCO	10/25/03	NR	09/30/05
201021	US	JTW	4N0202	NON	09/16/05	NOA	09/08/05	PET	09/27/05
201021	US	JTW	4N0202	AVA	09/14/05	NOA NOA	10/08/05 09/06/05	NOA RET	09/27/05
201022	US	JTW	4N0202	NON	09/14/05	NOA	10/06/05	NOA	09/27/05
201022	US	VDD	081030	NON		NON	10/06/05	SID	09/27/05 09/23/05
201034	US	VDD	081030	NON		NON		RF.	09/23/05
201036	US	VDD	081030	NON		SCO	03/12/06	IDS	
201036	US	VDD	081030	NON		NON	03/12/00	RF	09/23/05 09/23/05
201037	US	VDD	081030	SCP	05/31/05	sco	07/31/05	SID	09/23/05
201037	US	VDD	081030	NON	04.000	NON	01701700	RF	09/23/05
201038	US	JTW	4N0202	OA	07/12/05	AMD	10/12/05	AMD	09/26/05
201065	US	JTW	4N0202	OA	06/30/05	AMD	09/30/05	AMD	09/28/05
201065	US	JTW	4N0202	NON		NON		IDS	09/28/05
201082	US	JTW	4N0202	NON		SCO	11/24/05	NR	09/28/05
201104	US	JTW	4N0202	OA	06/21/05	AMD	09/21/05	AMD	09/22/05
201115	US	VDD	DBDT	OA	06/29/05	AMD	09/29/05	AME	09/21/05
201119	US	MWS	DBDT	OA	07/20/05	AMD	10/20/05	AME	09/21/05
201121	US	VDD	DBDT	EC	10/15/03	SCO	10/01/04	NR	09/26/05
201135	US	VDD	DBDT	CRD	08/15/05	SCO	01/05/06	NR	09/30/05
201138	US	VDD	DBDT	NON		SCO	10/08/05	NR	09/21/05

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Page 2

201165 201165 201165 202003 202101 202126 202126 202131 204014	US US US US US US US	MWS MWS MWS JTW JTW MWS MWS	GLA GLA GLA 4N0202 4N0202	NON NON NON		SCO NON	01/08/06	IDS RF	09/23/05
201165 201165 202003 202101 202126 202126 202131	US US US US US US US	MWS MWS JTW JTW MWS	GLA GLA 4N0202 4N0202	NON NON NON		NON	2.700100		
201165 202003 202101 202126 202126 202131	US US US US US	MWS JTW JTW MWS	GLA 4N0202 4N0202	NON					09/23/05
202003 202101 202126 202126 202131	US US US US	JTW JTW MWS	4N0202 4N0202	NON		SCO	01/23/06	NR	09/23/05
202101 202126 202126 202131	US US US US	JTW MWS	4N0202			SRI	12/28/05	NR	09/21/05
202126 202126 202131	US US US	MWS		OA	06/28/05	AMD	09/28/05	AME	09/26/05
202126 202131	US US		GL0000	FRJ	07/28/05	FAM	10/28/05	FR2	09/20/05
202131	US		GL0000	NON	07720103	NON	10/20/03	RF	09/20/05
		GSG	DT4820	EMR	05/03/05	SCF	07/25/05	NR	09/28/05
		GSG	DT4830	EMR	08/16/05	SCF	02/12/06		
204043	US	JTW	4N0202	EMR	09/12/05	SCF	12/08/05	NR NR	09/28/05
204043	US	JTW	4N0202 4N0202		09/12/05				
205016	US	GSG	DT4843	NON	00140105	SRI	12/21/05	NR	09/28/05
				CRD	09/16/05	SCF	12/02/05	NR	09/21/05
205016	US	GSG	DT4843	FRC	09/21/05	SCA	01/02/06	NR	09/21/05
205016	US	GSG	DT4843	NIA	09/21/05	SND	11/21/05	AFD	09/28/05
205017	US	GSG	DT4843	CRD	09/16/05	SCF	12/02/05	NR	09/22/05
205017	US	GSG	DT4843	FRC	09/22/05	SCA	01/02/06	NR	09/21/05
205017	US	GSG	DT4843	NIA	09/21/05	SND	11/21/05	AFD	09/28/05
205018	US	GSG	DT4843	CRD	09/16/05	SCF	12/02/05	NR	09/22/05
205032	US	GSG	DT2020	EMR	09/12/05	SCF	12/08/05	NR	09/30/05
205049	US	GSG	DT2020	NON		NON		PM	09/26/05
205049	US	GSG	DT2020	NON		NON		OCM	09/26/05
980014	US	JTW	4N0202	IRC	03/25/02	4YM	09/26/05	4YM	09/26/05
980014	US	JTW	4N0202	CPL	02/27/03	4YM	09/26/05	4YM	09/26/05
980034	US	MWS	091200	BAC	09/20/04	BAD	12/26/04	NR	09/29/05
980130	US	JAC	DT4812	NON		SCO	10/29/05	NR	09/22/05
980202	US	VDD	091200	XAN	08/09/05	RPB	10/09/05	RPB	09/28/05
980202	US	VDD	091200	NON		NON		RF	09/28/05
980211A	US	JTW	4N0202	OA	04/19/05	AMD	07/19/05	AA	09/26/05
990033	US	VDD	874HR0	NON		SCO	01/12/06	NR	09/22/05
990184	US	JTW	4N0202	NAL	06/24/05	ISS	09/26/05	ISS	09/26/05
990185	US	VDD	091200	EMR	09/12/05	SRI	12/08/05	NR	09/29/05
990197A	US	JAC	DT2008	NIF	09/09/05	SNS	11/09/05	SNS	09/26/05
990197A	US	JAC	DT2008	CRD	10/04/05	NON		IDS	09/20/05
990213	US	VDD	874HR0	OA	06/24/05	AMD	09/24/05	AMF	09/26/05
990238A	US	JTW	4N0202	NAL	06/28/05	ISS	09/28/05	iss	09/22/05
990238A	US	JTW	4N0202	ALL	06/28/05	PFD	09/28/05	PFP	09/22/05
990238A	US	JTW	4N0202	NON	0.00.00	NON	00120-00	RF	09/22/05
990258	US	JAC	DT2000	OA	07/01/05	AMD	10/01/05	AMF	09/26/05
990275	US	JAC	DT4812	AVA	08/12/05	NOA	08/20/05	AA	09/20/05
990309	US	VDD	091200	CRD	06/23/05	SLA	10/13/05	NR	09/21/05
N90010	US	GRL	HN42	CPS	10/02/01	12M	09/29/05	12M	09/29/05
N94003A	US	JTW	HN42	4MR	12/19/01	8YM	09/29/05	8YM	09/30/05